

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING SECTIONS 3.52.414, AND 3.52.5217 AND ADDING SECTION 3.52.415 TO THE LONG BEACH MUNICIPAL CODE PERTAINING TO ASSESSMENT DISTRICT AND SPECIAL TAX FINANCING IMPROVEMENT PROCEDURES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 3.52.414 C of the Long Beach Municipal Code is hereby amended as follows:

C. "Improvement" includes all work, improvements, appliances or facilities which the city has the power to finance under its charter and which are for a public purpose or which are necessary or incidental to a public purpose, including but not limited to the construction, reconstruction, maintenance and repair of all or part of any such work or improvement. "Improvements" shall also include without limitation any use or capacity rights in any improvement, electric current, gas or other illuminating agents for power or lighting service, and any real property, rights-of-way, easements or interests in real property, acquired or to be acquired by gift, purchase or eminent domain, and which are necessary or convenient in connection with the construction or operation of any work of improvement authorized to be acquired or to be made or constructed under this division. Improvement also includes the conversion of existing electric or communication facilities and the construction, reconstruction or relocation of any other electric or communication facilities which may be incident thereto. For purposes of the preceding sentence, the terms "conversion" and "electric or communication

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1 facilities” shall have the meanings given to such terms in Section 5896.2 of the
2 California Streets and Highways Code.

3
4 Section 2. Section 3.52.5217 B of the Long Beach Municipal Code is
5 hereby amended to read as follows:

6 B. Except as otherwise provided in subsection C of this section, if at least
7 twelve persons, who need not necessarily be the same twelve persons, have been
8 registered to vote within the territory of the proposed community facilities district
9 for each of the ninety days preceding the date of the protest hearing, the vote shall
10 be by the registered voters of the proposed district, with each voter having one
11 vote. Otherwise, the vote shall be by the landowners of the proposed district and
12 each landowner who is the owner of record at the close of the protest hearing, or
13 the authorized representative thereof, shall have one vote for each acre or portion
14 of an acre of land that he or she owns within the proposed community facilities
15 district. The number of votes to be voted by a particular landowner shall be
16 specified on the ballot provided to that landowner. Notwithstanding the foregoing,
17 if the vote is to be by the landowners of the proposed district as described in the
18 second preceding sentence, as an alternative to having such landowner have one
19 vote for each acre or portion of an acre of land that a landowner owns within the
20 proposed community facilities district, the legislative body may provide that each
21 landowner have a vote for each dollar of special tax that may be levied on such
22 landowner’s land to be included in the proposed community facilities district, based
23 upon the proposed rate and method of apportionment and manner of collection of
24 special tax for the proposed community facilities district, and the special taxes
25 thereby to be levied in the first full fiscal year following formation of the proposed
26 community facilities district; provided that the legislative body finds that such
27 alternative method of voting is more reflective of the burden of the special tax to be
28 levied in the proposed community facilities district.

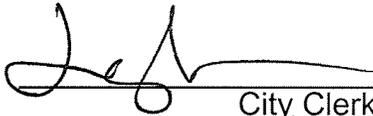
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1 Council of the City of Long Beach at its meeting of May 13, 2008, by the
2 following vote:

3 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
4 O'Donnell, Schipske, Andrews,
5 Reyes Uranga, Lerch.

6
7 Noes: Councilmembers: None.

8
9 Absent: Councilmembers: Gabelich.

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12 
13 City Clerk

14 Approved: 5/14/08
15 (Date)

16 
17 Mayor

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